

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ANTONIO FULLER,)	
)	
Petitioner,)	
)	
v.)	Case No. 3:10-01064
)	Judge Sharp
DWIGHT BARBEE, WARDEN,)	
)	
Respondent.)	

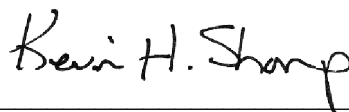
ORDER

For the reasons explained in the Memorandum issued contemporaneously herewith, the Court rules as follows:

(1) Petitioner's claims relating to the alleged ineffective assistance of counsel as set forth in claims one, two and five are hereby DENIED and those claims are hereby DISMISSED WITH PREJUDICE. A certificate of appealability will not issue with respect to any of those claims.

(2) The Court hereby DEFERS RULING on the merits of Petitioner's Blakely claims as set forth in claims three and four pending further briefing by the parties on whether a Blakely violation occurred and whether any such violation amounted to harmless error. Within twenty (20) days of the date of entry of this Order, Respondent shall file a supplemental brief on those issues, and any response shall be filed by Petitioner within twenty (20) days of the filing of Respondent's supplemental brief.

It is SO ORDERED.



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE